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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Fourth periodic report of Portugal

Portugal*

Introduction

1. Portugal ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1980, with no reservations, and was one of the first States Members of the United Nations to do so.

2. This was possible because of the conjunction of political and social change at that time in our country, which led to the elaboration of a new Constitution and the review of ordinary legislation, as well as to the adoption of political measures which were more in agreement with democratic principles.

3. Following the ratification of the Convention, national evaluation reports were made on its fulfilment. The reports were analysed by the Committee on the Elimination of Discrimination against Women in 1986 and 1991, respectively.

4. The information enclosed in the present document essentially reports on the developments in the 1990s.

Articles 1 and 2

1. Constitution of the Portuguese Republic

5. The Constitution of the Portuguese Republic does not explicitly consecrate the principle of the equality between genders, but forbids all forms of discrimination (depriving any right and non-existence of any duty) in terms of gender (article 13). Law 1/97, of 20 September 1997 introduced significant changes in the Constitution, creating conditions for important progress on matters concerning equal opportunity and discrimination.

Article 9 — Fundamental tasks of the State

6. A new paragraph (h) was added to this article, establishing:

> "Promoting the equality between men and women".

* For the initial report submitted by the Government of Portugal, see CEDAW/C/5/Add.21 considered by the Committee at its fifth session. For the second period report submitted by the Government of Portugal, see CEDAW/C/13/Add.22 considered by the Committee at its tenth session. For the third period report submitted by the Government of Portugal, see CEDAW/C/18/Add.3 considered by the Committee at its tenth session.

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This was a very important change, since it obliged the State to promote change, instead of simply ensuring the right to change.

Article 26 — Other personal rights

7. This article was changed and important dispositions were introduced, namely the final part of paragraph 1, which consecrates the right to legal protection against any form of discrimination:

> "To all known rights to personal identity, personality development ... and to legal protection against all forms of discrimination".

Article 109 — Political participation by citizens of the Republic

8. This article which had referred the "direct and active participation of citizens in political life", was changed to refer expressly to "men and women":

> "The direct and active participation of men and women in political life constitutes a condition and a fundamental instrument of consolidation of the democratic system and the law must promote equality in the exercise of the civic and political rights and non-discrimination in terms of gender regarding access to public positions".

On the other hand, the law has the specific responsibility to promote equality in this field, while enabling to advance on the adoption of special measures with a positive character.

2. Institutional diplomas

9. Law Decree number 166/91, of 9 May 1991, created the Commission for Equality and for the Rights of Women, which is the national mechanism for equality, taking the place of the Commission for the Feminine Condition, created in 1977.

10. The Commission for the Equality and for the Rights of Women has the following fundamental and permanent objectives:

(a) To ensure that women and men enjoy the same opportunities, rights and dignity;

(b) To achieve effective joint responsibility for women and men at all levels of family, professional, social, cultural, economic and political life;

(c) To contribute so that society recognizes maternity and paternity as social functions and assumes the responsibilities that come from that.

11. Law Decree number 3-B/96 of 26 January 1996 instituted the High Commissioner for Equality and Family. In the preamble of the decree it is stated that in the government programme, the correction of the inequalities between women and men deserves particular attention, for the equality stated in the Constitution and in the law is not, itself, enough to ensure equality of opportunity or a more equitable apportionment of employment opportunities, and of political, economic and social power. The right to equality, therefore, demands a set of compensation actions, destined to correct serious needs. The task of the High Commissioner is to:

(a) Contribute to the effective equality of women and men at both social and family levels, proposing compensating policies destined to eliminate discrimination;

(b) Promote the family institution, dinamizing a family policy, considering the specific situation of its members;

(c) Contribute so that all citizens enjoy the same dignity and equal opportunities and rights by promoting initiatives that have the intention of gradually eliminating discrimination;

(d) Counsel on the situation of children, promoting the coordination of the intervention of the proper public entities and accompanying the action of the non-governmental organizations as well as supporting the formulation and execution of policies regarding the problems of children.

12. Regional Legislative Decree number 18/99/A of 4 November (in the Autonomous Region of the Azores), created the Comissão Consultiva Regional para a Defesa dos Direitos das Mulheres (Regional Consulting Commission for the Defence of the Rights of Women).

13. Regional Regularization Decree number 16/97/M of 8 August (in the Autonomous Region of Madeira), approved the organic of the Direcção Regional do Trabalho (Regional Direction of Labour), predicting a Service for Matters of Equality, Community Labour Issues and Documentation.

14. Resolution number 59/98 of the Council of Ministers of 6 May approved the *Plano Nacional de Emprego* (National Employment Plan), which included new instruments for the promotion of equal opportunity between men and women to employment in the workplace and to professional training.

3. Non-normative instruments

15. Resolution 32/94 of the Council of Ministers of 17 May 1994 established the necessary actions and measures for the promotion and accomplishment of equal opportunity and of the participation of Portuguese women in all domains of life: economic, social, political and labour (annex I).

16. In 1995 the Parliamentary Commission for Parity, Equal Opportunity and Family was established.

17. Resolution 49/97 of 24 March 1997 of the Council of Ministers, approved the Global Plan for Equal Opportunities, which gathers a set of political measures in diversified areas, introducing mainstreaming a perspective of equality.

18. Dispatch number 3455/97 of the Minister of Equipment, Planning and the Administration of the Territory determined that in the ambit of the new orientations of the current structural funds, the search for measures and the implementation of projects that aim at contributing to real equal opportunities is the object of primary focus, stipulating that the operational programme managers of the European Union Support Board II and the European Union initiatives for 1994-1999 must include, in the annual performance report, a part on the impact of the respective measures on the equality of opportunities.

4. Specific areas

Military service

19. In 1987, Law number 30/87 of 7 July approved the principles that govern military service, ruling that all Portuguese citizens must perform such service. Women were released from this obligation, and given the option of serving on a voluntary basis on patterns that were to be defined later on.

20. The constitutional review of 1989 considered the country's defence a right and a fundamental duty of all citizens (article 276 — Defesa da Pátria, serviço militar e serviço civico (Country's Defence, military service, civic service). This text was maintained on the following revision (1992 and 1997).

21. With the adoption of a constitutional measure that forbids all forms of discrimination in terms of gender (exemption of any duty and depriving of any right) women's access to the superior military academies, as well as to all the branches of the armed forces, slowly began to open. In spite of all this, only the army allows women to apply to any of its modalities in all of the army's weaponry and services. There were Portuguese women soldiers in the Bosnia peace mission.

22. In 1991, governmental decree number 777/91, of 8 August, rectified by the Rectification Declaration number 245/91, of 31 October, allowed women to apply, under the same conditions as men, for military service in the Air Force in certain categories and specialities.

23. In 1991, governmental decree number 163/91, of 11 November, which was altered by governmental decree number 238/96, of 4 July, allowed women to apply, under the same conditions as men, for military service in the army.

24. In 1992, governmental decree number 163/92 of 13 March (revoked by governmental decree number 232/93, of 4 July), allowed women to apply, under the same conditions as men, for military service in the navy. In 1996, governmental decree number 238/96, of 4 July, determined that female citizens can apply for service in any of the army's modalities, in all of its weaponry divisions and services, under the same conditions as men.

Advertising

25. As was noted in the second report, in 1990, law decree number 330/90, of 23 October, was published, approving the new Advertising Code. It forbids advertising which "is counter to human dignity" and that "may contain any discrimination in virtue of race or sex". Some changes were later on introduced (law decree number 6/95 of 17 July) that are irrelevant to this report. The Consumer's Institute collects complaints and starts criminal processes, imposing fines on infractors. Still this procedure is very slow, and many times surpasses the legal periods allowed to intervene. The Commission for Equality and for the Rights of Women has presented numerous participations, denouncing advertisements that act against the dignity of women.

Violence against women

26. In 1991, Law number 61/91 of 3 August guaranteed adequate protection to women who are victimized by violence. The objective of the law is to reinforce the mechanisms of the due legal protection to all women victims of crimes of violence, namely the following:

(a) The establishment of a prevention and support system for women victims of crimes of violence;

(b) The institution of an emergency telephone counselling department for women who are victims of crimes of violence;

(c) The creation of a special section in the criminal police departments for direct assistance to victims;

(d) An incentive regime for the creation and functioning of women's associations for the protection of victims of crimes of violence;

(e) A system of warranties to stop the violence and to make reparations for all damages incurred.

27. The protection system established by the law is applied when a crime results from a discriminatory attitude towards women and in cases of sexual crimes, the mistreatment of a spouse, as well as kidnapping, sequestration and bodily offences. Beyond the measures already covered, these measures of support and prevention are also considered:

(a) The elaboration of a Guide for Women Victims of Violence;

(b) Support for the creation of study and investigation centres about women and to the private and cooperative editorial activities in the field of the rights of women;

(c) The creation of centres for counselling, shelter and support of women victims of violence;

(d) The gradual institution of special sections in the criminal police departments for direct assistance to victims, with competence to deal with complaints and denunciations of these crimes.

28. The provision for creating and imposing coercive seclusion measures against an aggressor, to keep that person away from a family residence when a danger of continuing criminal activity may exist was included in the Penal Procedure Code when it was reviewed in 1998, through law number 59/98, of 25 August.

29. In 1995, under the review of the Penal Code, through law decree number 48/95, of 15 March, altered by law number 90/97 of 30 July, the sentences for crimes of mistreatment of a spouse, or of a person who lives in an analogous situation (article 152) were increased as were the sentences for the crimes of rape (article 164) and pimping (article 170).

30. In 1998, the Penal Code was again reviewed in terms of law number 65/98 of 2 September, and some important changes concerning the situation of women victims of violence were introduced:

(a) Article 152 (2) considers and punishes the crime of mistreatment of a spouse or a person who lives in an analogous situation. In spite of the criminal procedure which depends on the victim pressing charges, exceptionally, after this review, it is now possible for the Department of Justice to start the criminal process if it is in the victim's interest and if there is no objection from the offended before the accusation is made.

(b) Articles 163, number 2, and 164, number 2 — situations of sexual harassment at work (both sexual coercion and rape) are considered a crime under the new review and as of the writing of these articles (this was not considered so in the prior code).

31. In 1995, the Commission for the Equality and the Rights of Women promoted the development of a quantitative study about violence against women in the family, "The characterization of the social representations and violence practices towards women", which was carried out by the *Centro de Estudos de Sociologia da Universidade Nova de Lisboa* (Centre of Sociology Studies of the Universidade Nova of Lisbon) and coordinated by Professor Nelson Lourenço.

32. Among the various conclusions of the study is the following:

> "Psychological violence is most common, being experienced, in the year the inquiry was made, by more than half of Portuguese women (50.7 per cent). Following closely is sexual violence (28.1 per cent), with sociocultural discrimination a considerable distance behind with 14.1 per cent (both figures from 1998). Physical violence is listed as being the lowest

(6.7 per cent in 1998) and, contradicting the tendency of the other forms of violence, seems to be diminishing compared to previous years.

"It is also noted that the 'family house' is, of all places, the one place where violence occurs the most and is most spoken of — 43 per cent of the violence occurs there, followed by public places (34 per cent) and at the workplace (16 per cent). As to the characterization of the aggressors, one can verify they are mostly male and when the aggression takes place in the home, the aggressor is usually the husband/companion of the victim."

33. In 1997, within the Global Plan for Equal Opportunities, several measures to prevent and combat violence against women were put forward and/or adopted. The report on the Global Plan was released in March 1998 and it provided enlightenment on the measures accomplished in this area:

(a) Several radio and television advertisements were made on themes related to women and equal opportunity;

(b) A guide and a brochure on the rights of women victims of violence were prepared. They will be reproduced after the reviewing of the Penal Code;

(c) A shelter is being created for women victims of mistreatment and their children;

(d) By a decision of the Ministry of Justice, a toll free number was created — a Green Line for information for women victims of violence, operated by the Commission for Equality and for the Rights of Women.

34. In 1998, after the approval of the Global Plan, the *Ministério da Administração Interna* (Ministry of Internal Affairs) developed several projects, integrated in the Project INOVAR (innovate), for the protection of victims of violence, namely women victims of domestic violence. Some of these measures were:

(a) A specialized service by female police officers is being put into practice, whenever possible, in order to facilitate communication;

(b) A brochure for immediate aid to victims of domestic violence has been produced, and is now in its pilot phase of distribution, with the objective of allowing women to ponder and reflect on their own situation and to adopt self-defence and protection measures;

(c) A manual of procedures for the act of serving and helping people who come in will be distributed to the law and security enforcement units, for the standardization of behaviours and procedures inside police stations where charges and complaints of domestic violence are registered.

35. On 8 March 1998, the Ministry of Internal Affairs determined that the Public Security Police and the National Republican Guard started to register the complaints and charges on domestic violence, autonomously, this created the first national indicator of domestic violence. Official available statistics don't yet reflect this indicator, as they are based on information prior to its creation. The justice statistics, supplied by the *Gabinete de Estudos e Planeamento do Ministério da Justiça* (Ministry of Justice's Studies and Planning Cabinet), were disaggregated by author and victim by gender rather than by family kinship. The crime of "mistreatment or abuse of underaged persons, subordinates or spouses" is not very clear in terms of the nature of the victim.

36. Project INOVAR (innovate), which has been previously referred to, carried out several sensitization and training activities with the Public Security Police (*Policia de Segurança Publica*) and with the National Republican Guard (*Guarda Nacional Republicana*).

37. The Ministry of Internal Affairs produced a video, which was shown to all professionals in the Public Security Police and of the National Republican Guard, on the theme of protection and support to victims of violence, namely women victims of domestic violence and rape.

38. The Commission for the Equality and the Rights of Women supplied training to officers and sergeants in the Public Security Police and of the National Republican Guard schools on the subject of violence against women (1994-1996).

39. As the national mechanism for equality, the Commission for the Equality and the Rights of Women has an information and juridical consulting department. The toll free Green Line for information and support for women victims of domestic violence, previously referred to, also works on the premises of the Commission.

40. In 1998, the reform of the forensic medical system (law decree number 11/98 of 24 January) led to the admission of charges being pressed in the legal

medical services (article 41), with the immediate collection of evidence of crimes, the consequent reinforcement of forensic medical expertise and the effectiveness of the criminal investigation.

41. There is no official data or any other data about the female genital mutilation. This practice is not listed as a crime in the Portuguese Penal Code. There are many articles that condemn offences to the physical integrity of the individual, namely article 144, which provides that a person who offends the body or the health of another person by (a) depriving that person of an important organ or member, or disfiguring a person seriously and permanently, (b) depriving or affecting that person's ability to work, intellectual ability or procreative capacity, or the ability of a person to use their body, senses or language, is punishable by a sentence of 2 to 10 years.

42. Article 146, which refers to the offence as an offence to physical integrity, legislates an increase of one third on the minimum and maximum limits of the applicable sentences in cases of such offences if they are carried out under censurable circumstances or under circumstances that reveal perversity in the aggressor. The penal law regulates in detail the circumstances under which interventions and medical and surgical treatments can be considered as crimes.

43. Incest is not considered a crime under Portuguese law. In terms of the law, it warrants an increased sentence (a third of the minimum and maximum limits) under the terms of article 177 (1) (a). If the victim is underage, incest can also lead to the loss of parental power (article 179).

44. In Portugal there are some non-governmental organizations that give support to women victims of violence:

(a) *Associação de Mulheres contra a Violência* (Association of Women against Violence) — gives psychological and juridical support to the victims of rape;

(b) *Associação de Apoio à Vitima* (Association of Victim Support) — gives legal and psychological support, as well as shelter and emergency financial support to victims of violence. It has 11 centres in Portugal.

45. The Project INOVAR works in close collaboration with the Commission and the *Associação de Mulheres contra a Violência* (Association of Women against Violence) in support of the victims of domestic violence.

46. In Portugal there are some temporary shelters for women victims of domestic violence and their children (S. Miguel — Açores, Coimbra, Évora) and shelters for homeless young unwed mothers (three in Lisbon), managed by private or religious entities. A shelter is being created in Lisbon by an official initiative set in action by the Global Plan that will be operated by the Association of Women against Violence.

Women's associations

47. In 1998, Law number 95/88 of 17 August, on guaranteeing the rights of women, defined the concept of women's associations and established the acting and participation rights of women, aiming at eliminating all forms of discrimination and the promotion of equality between women and men.

48. In 1997, law number 10/97 of 12 May, reinforced the rights of women's associations working to eliminate all forms of discrimination against women and ensuring their right to equal treatment.

49. In 1998, Law decree number 246/98 of 11 August, ruled on the exercise of the rights of women's associations, namely the process of recognition of generic representation, the forms of technical and financial support and their registry.

Labour and employment

50. In 1997, Law number 105/97 of 13 September reinforced guarantees in terms of equal opportunity to labour and in the workplace, and corrected the existing insufficiencies, namely:

(a) Defining the concept of indirect discrimination;

(b) Giving examples of discrimination;

(c) Entitling the unions to the right to action, independently of the workers or working candidates exercising this same right;

(d) Increasing the number of cases under which the burden of proof is inverted;

(e) Obliging companies to retain registers of all contractual engagements;

(f) Aggravating the sanctions in cases of substantive law;

(g) Giving new attribution to the *Comissáo para a Igualdadeno Trabalho e no Emprego* (CITE) (Commission for Equal Opportunity to Work and Employment).

Article 3

51. As noted in previous reports, the principle of equality is a fundamental principle of the constitution of Portuguese Republic of 1976. Subsequent revisions reinforced some aspects of the principle (the most recent revision of 1997, in particular, should be referred to).

52. Actually, the consideration of the promotion of equality as a fundamental task of the State (article 9) and the inclusion of the right to legal protection against all forms of discrimination against rights, liberties and personal warranties (article 26) is a positive step towards the effective pursuit of policies aiming at gender equality.

53. On the other hand, concerns about question of equality and the improvement of the situation of women, which goes back to the 1970s, must be enhanced, and progressively looked at in terms of a democratic request involving a dimension that is altogether more global and systematic.

54. One might say that, at the end of the 1990s, a qualitative change in the way these questions are looked at has taken place and this has meant that they are considered in the perspective of the protection and promotion of human rights.

55. The national seminar on "Equality, democracy and human rights", which took place in 1990, organized by the *Mecanismo Nacional Para a Igualdade* (National Mechanism for Equality) — *A Comissão da Condição Feminina* — (Commission on the Feminine Condition), legitimized this perspective, which in the end, imposed itself.

56. A new law — Law decree 166/91, of 9 May, which replaced the above Commission with the Commission for the Equality and the Rights of Women and augmented its competencies and resources, also includes this dimension.

57. The same perspective was defended during the preparation for the Fourth World Conference on Women and at the April 1995 preparatory seminar that constituted a debating forum on the situation of women: the realization of their civic and political rights; their economic, social and cultural rights; their reproductive rights and so-called "new rights", *inter alia*, the right to development and quality of life.

58. Basic matters relative to the situation of women, their access to public and political life; their situation in the employment market; the feminization of poverty; the questions of violence; domestic or in public places, all these aspects were, and are, faced as an aspect of women's access to the enjoyment of fundamental rights and their promotion and protection.

59. In spite of all this, and bearing in mind that this perspective is being developed and is finding translation at political levels, the actual situation is not always in agreement with the above principles. If, in many areas, there are signs of change, there is also a visible resistance to change in other areas.

60. In the context of the Beijing Conference, an evaluation of the evolution of the national situation was made. In many ways this evaluation is still valid:

> Therefore, in the perspective of the evolution of the situation of women, special mention should be made, apart from globally progressive and egalitarian legislation, to the field of education, in which enhanced and progressive feminine participation has been registered, particularly at the university level, and where the most recent numbers on university graduates reveal that two thirds are women.
>
> The positive indexes relative to health indicators (which reflect slight improvement) are also worth mention, namely those referring to life expectancy, to mother and infantile mortality and also to the percentage of deliveries taking place in hospitals.
>
> On the other hand, regarding employment, there is an increasing participation of women in the employment market where, in spite of the high achievements in terms of the European rate, factors of segregation and of discrimination persist, related mainly to maternity and family responsibility, creating a situation which is aggravated by crisis and recession.
>
> The situation is, therefore, globally contradictory, with positive and apparently irreversible aspects and other negative and persistent ones. Among these, the report also refers the questions of

violence and of the feminization of poverty, to which more visibility and attention will increasingly be given.

Another area in which evolution is unsatisfactory is the sharing of power and women's access to decision-making positions, namely in political life, where women face particular difficulties.

Relatively to programmes and answers at the institutional level, no enhanced progress can be noted in institutional mechanisms, its power and competencies. There is, nevertheless, an idea, which is growing, that the question of women's equality and progress is a global question and a question for society and that it requires global answers, encompassing not only the improvement of the status and the situation of women, but a global improvement in society as a whole, in a perspective of increasing social justice and democracy, in its essential facet of equal democracy for all.

61. Putting the future and the necessary changes in perspective, the same report recommended the elaboration and execution of a "Global Plan for Equality" with impact on all policy sectors, integrating equality as an essential dimension for social and global change.

62. As a matter of fact, this need had been noticed long before, and there were proposals on that matter in other points in time: in 1988 and 1991, with no visible success; in 1994, with limited success; with success, finally, in 1997.

63. Thus, in 1994, a resolution of the Council of Ministers (resolution number 32/94, of 14 April) recognized the need for an integrated policy in this area, and recommended the assumption of positions on the issue by all the involved Ministries, bearing in mind the struggle for women's equality, with the objective of:

(a) The sensitization of public opinion to the issue of women's equality, in particular by those Ministries that can promote the balanced participation of women and men in public life, as well as those that can ensure that the concept of equality is present in public information campaigns as well as in professional counselling of young men and women and in school books;

(b) Promotion of measures of professional training of women, as well as the promotion of entrepreneurial initiatives in this domain, particularly in the ambit of the European Union Board of Support, 1994-1999;

(c) Development of professional orientation mechanisms for long-term unemployed women and for those that wish to return to work;

(d) Adoption of flexible working hours so that the professional and family life of both spouses is safeguarded;

(e) Development of structures and alternative solutions for the support of children while their parents are at work;

(f) Reinforcement of the inspection of locations where discrimination between men and women may exist.

64. After the Beijing Conference and the assumption of power by the new Government at the end of 1995, a more favourable political position on the question of equality and women's rights was adopted. The Government's programme includes the need for specific policies for the equality of opportunities, with special emphasis on employment and professional training, including a preoccupation with new ways of reconciling professional activities with family responsibilities. In the political arena, the programme also sets forth that a more equal society must be constructed, based on a greater parity between genders and a new apportionment of power at all levels, political, economic and social.

65. The Government created the High Commissioner for the promotion of Equality and Family to coordinate policies of equality and kept the Commission for Equality and the Rights of Women, which is under the control of the Commissioner, as an organism of a technical character charged with the prosecution of the same policy.

66. Following the adoption of the Beijing Platform for Action and, fulfilling one of its recommendations, the "Global Plan for the Equality of Opportunities" was approved by the Government in March 1997. The Plan contains political measures considered a priority "aiming at the economical sustained development, the enlargement of citizenship and the deepening of democracy".

67. The Plan contains seven main objectives integrating a total of 51 measures, which are now being carried out. The objectives are:

(a) To integrate the principle of equal opportunity for women and men in all economic, social and cultural policies;

(b) To speak out about violence and to ensure adequate protection to women victims of violent crimes;

(c) To promote equal opportunities in employment and work relations;

(d) To reconcile private and professional life;

(e) Social protection of family and maternity;

(f) Health;

(g) Education, science and culture.

The Global Plan sets out the proposed measures in every one of the above areas.

68. In March 1998, the first evaluation of the fulfilment of the measures proposed in the Plan took place. Concerning objective 1, and considering its generic character, some of the aspects resulting from that evaluation will be enumerated.

The integration of the principle of equality in all economic, social and cultural policies

69. A systematic collaboration is under way between the counsellors for equality in the different Ministries, aimed at the integration of the perspective of equality in the specific areas. Sensitization/information initiatives took place with central, regional and local administration officials of the teaching system and the institutions of social solidarity, *inter alia*, covering issues linked to equal opportunities. Many cooperation protocols were signed between the Commission for Equality and the Rights of Women and the various city halls, aimed at the inclusion of the perspective of equality in local policies, the designation of local responsible people for equal opportunities and the creation of areas of information for women.

70. The inclusion of the principle of equality in access to training courses in the ambit of the various institutions was proposed, namely at the *Centro de Formação Autárquica* (Centre of Autarchic Training) and the *Instituto Nacional de Formação* (National Institute of Training), as well as training courses for the docent personnel and other education agents, namely through the systematic collaboration of the Commission with the *Escolas Superioresde Educação* (Superior Schools of Education) and the universities and centres of training for docents.

71. The inclusion of the principle of equality of opportunity in the programmes of the European Union Support Board was determined, and it is worth noting that the governmental dispatch of July 1997, when defining the orientations for the utilization of structural funds, determined that priority should be given to the measures and projects that aim to contribute to an effective equality of opportunity and that the programme's coordinators, in their annual execution reports, include an impact analysis on the equality of opportunity.

Article 4

72. Law decree number 392/79 of 20 September, altered by law decree number 426/88 of 18 November on equality in work and employment, defined the concepts of discrimination and positive action concerning these two issues. Concerning article 2, it said that "for the application of the present diploma, one should understand:

Discrimination: any sort of distinction, exclusion or preference based on gender which has the objective or the consequence of compromising or refusing recognition, enjoyment or exercise of the rights ensured by labour legislation.

73. The law also stated, in article 3:

(a) The right to work implies the absence of any sort of discrimination based on gender, directly or indirectly, namely reference to civil state or family situation;

(b) The dispositions of temporary character that establish preference in terms of gender, imposed by the need to correct a real imbalance, as well as measures that intend to protect maternity as a social value are not considered discriminatory.

74. Alterations of legal order that originate from the revision of the Portuguese constitution and law number 105/97 of 13 September can be found under article 11 in the present report.

75. In the sphere of maternity and paternity protection, the revised law of 1995, beyond other aspects that will be referred later on, gave couples who had children the right to decide together which of them would stay with the child during the period of leave after the first 14 days of the birth of a child, assuming, for the first time, paternity leave as a real alternative.

76. Positive measures present in the ambit of the Global Plan for Equality and the National Employment Plan can also be found under article 11, as well as in the list of positive actions.

77. On the other hand, something else that can still be considered as a positive action is contained in the dispatch number 3455/97 referred to above, of the Minister of Equipment Planning and Territory Administration relative to the new orientation of the structural funds, establishing the equality of opportunity as a priority.

78. Concerning actions performed in this ambit, the seminar organized by the Commission, CITE, the Foundation Frederich Ebet and the British Council in June 1998 on the subject "Equal Opportunity as a Strategic Business Innovation" deserves particular reference. The seminar tried to evaluate the good practices implemented by business in Portugal and in the European Union, and to sensitize the entrepreneurs to the benefits consequent to the adoption of policies for equality and to the close connection between these policies and the management for total quality.

79. In 1999, all public entitles with specific responsibilities in the area of equal opportunity joined forces and promoted the "*Campanha Nacional para Consiliação*" (National Campaign for Conciliation) designated "*Vida Profissional e família, a consiliação necessária*" (Professional Life and Family, the Necessary Conciliation), that took place during March, with initiatives in the entire country, involving public organisms of the central, regional and local administrations; social partners; business, professional, and syndicate associations; enterprises: non-governmental organizations and training entities, with the objective of sensitizing public opinion, as well as some strategic groups, to this issue, as a fundamental element of equal opportunity between women and men, in both the world of remunerated labour as in family life.

80. When positive actions in the ambit of political participation are concerned, the changes consequent to the revision of the constitution in 1997 in relation to article 109 are described in the article 7 to the present report.

Article 5

81. Constitutional law number 1/97 of 20 September altered article 59 of the constitution, concerning civilized conditions of work, providing not only for personal realization, but for the conciliation of the professional and family lives. Article 68 grants both parents the right to leave for an adequate period, according to the child's interests and the needs of the entire family. Concerning European Law, Portugal, beyond participating in the *IV Programa de Acção Comunitário a Médio Prazo para a Igualdade de Oportunidades entre Mulheres e homens 1996-2000* (IV Medium-Term European Action Plan for Equal Opportunity Between Women and Men 1996-2000) exceeded the various directives adopted on the matter.

82. Aside from the reformulation of the consecration of the constitutional principle of equal opportunity between women and men, several different measures have been adopted, not only of a legislative nature, to ensure respect for the principle in regards to the right to conciliation between the professional and family lives. It is important to maintain this integration as a major objective in the Global Plan for the Equality of Opportunity, and to integrate the principle of equal opportunity between women and men in all policies, economic, social and cultural, thus giving it a cross-cutting dimension in all State Ministries.

83. Concerning the recognition of the common responsibility of men and women in the education and upbringing of children, the Global Plan states that the services under the High Commissioner for the Promotion of Equality and Family should be provided with the financial means to promote public opinion sensitization campaigns through the audio-visual media on the importance of sharing family responsibilities for the good balance of the family and the development of the children and teenagers.

84. A campaign was started by the Office of the High Commissioner in the last trimester of 1998, with presentations through the most important media, television, radio, and the press, sensitizing public opinion to the need to share responsibilities as a requisite for quality of life.

85. Other measures contained in the Global Plan for Equality and Opportunity in issues of conciliation of private and professional life are referred to under article 11.

86. Within the scope of the National Employment Plan, its fourth pillar refers to equal opportunity with the objective of combating discrimination between men and women, conciliating family and professional life and easing reintegration into working life as various instruments that are referred to under article 11.

87. Relative to actions and projects developed in this area, one should refer the following: in December 1997, a seminar on conciliation between work and family life and solidarity between generations took place, promoted by the High Commissioner for the Promotion of Equality and Family in cooperation with the *Centro de Investigação de Estudos de Sociologia do ISCTE* (Centre of Investigation of Sociology Studies of ISCTE) and the Department of Humanitarian Affairs of the European Community, and intended to sensitize public administration bodies as well as business to the need to implement policies on these matters and to diffuse good examples of initiatives promoted by other enterprises.

88. The Parliament's Commission for Parity and Equal Opportunity and Family holds regular open sessions in city halls, promoted by the different *conselhos do continente e das regiões autonomas* (Continental and autonomous regions councils), where some of the themes regularly covered are the family and the support structure of the family.

89. The project "*Para uma Sociedade Activa*" (For an Active Society) promoted by the *Graal* together with other national and transnational entities, financed by the European Union in the ambit of the *IV programa de Acção Comunitária a Médio Prazo Para a Igualdade de Oportunidade entre as Mulheres e os Homens 1996-2000* (medium-term programme of action for equality and equal opportunity between women and men 1996-2000) tried to find innovative leads for the effective realization of the compatibility between family and professional responsibility for men and women, as a key element for the full realization of the equality of opportunities in all spheres of life and for the resolution of the employment problem. These solutions were suggested through a model of public hearings, designed to guarantee the proposal's diversity and the involvement of the participants in the elaboration of the solutions, and will be presented to the appropriate public institutions. This project also published a manifesto entitled "*Para uma Sociedade Activa*" (For an Active Society) questioning the way we live and distribute power between the sexes, and promoting equality of opportunity, participation in public and private life and the need for a new understanding of work that gives consideration to family life.

90. Regarding specific aspects of maternity and paternity protection, law number 102/97 of 13 September, which revised law number 4/84 on maternity and paternity protection, introduced a new special license for assistance to the handicapped and to chronically ill patients. The law allows working fathers or mothers the right to a special license, for a period up to six months, which can be extended up to a limit of four years, to attend to a child, including an adopted child or a child of the spouse with whom the person lives, who is handicapped or chronically ill, during the first 12 months of life. The leave grants a handicapped assistance subsidy to seriously handicapped and chronically ill patients and can reach twice the minimum wage granted per month. Law number 18/98 preceded this new revision of the law for the protection of maternity and paternity, enlarging the maternity leave period from 98 days to 110 days between 1 January and 31 December and to 120 days starting on 1 January 2000. In cases of multiple births, this period is increased by an additional period of 30 days for each new child (beyond the first).

91. Concerning the special leave to attend to handicapped or chronically ill children, there is a possibility of extending the leave to three years in the event of the birth of a third child or more. After the leave is over, the worker should have access to training for full professional reintegration provided by her/his employer.

Article 6

92. Prostitution is not an illegal activity in Portugal. Portuguese law punishes the exploitation of the prostitution of another person.

93. With the changes introduced through law decree number 48/95 of 15 March 1995, which preceded the revision of the Penal Code, an increase in the sentences applicable for crimes related to sexual exploitation and violence was introduced. For example, the crime of

mistreatment or violence against youngsters, the disabled or the spouse is now punishable by a prison sentence of from 1 to 5 years (previously the sentence was for 6 months to 3 years), the sentence for rape, which was from 2 to 8 years, is now 3 to 10 years and the sentence for pimping is now from 6 months to 5 years (previously the punishment was up to 2 years in prison and a fine).

94. Portugal ratified, with no reservation, the *Convenção para a Supressão do Tráfego de Pessoas e da Exploração da Prostituição de Outrém* (Convention for the Suppression of the Dealing of People and of the Exploitation of someone Else's Prostitution).

95. Regarding social support in this area, in Portugal there is an association for the support and the reintegration of women prostitutes, *O Ninho* (The Nest), and there is also the "*Projecto Auto-Estima*" (Self-Esteem Project), promoted by the *Administração Regional de Saúde do Norte*, which provides prostitutes with support and information.

Article 7

96. The Portuguese Constitution gives all citizens the right to take part in the political life and the direction of the public affairs of the country. After the 1997 revision, article 109 established that the direct and active participation of men and women in political life is a condition and a fundamental consolidation of the democratic system and that the law must promote equality of the exercise of civic and political rights as well as non-discrimination in terms of gender for political office. This article includes a new perspective, since it openly speaks of the participation of "men and women", recognizing the duality of humanity, when previously the term used was "citizens". It also attributes the responsibility for adopting positive measures to the law, making way for the adoption of such measures.

97. These modifications have a particular meaning because, as was noted in the text relative to article 3 in the present report, this is one of the areas that can be considered critical in terms of the Portuguese situation. Bearing in mind the progresses made in the two decades of the democratic regime, one can say that the participation of women on equal terms with men still has a long way to go and that there is a lack of democracy in this area.

98. The participation of women in the *Assembleia da República* (the Portuguese Parliament) reached 12.2 per cent in the last elections (1995), but it is interesting to note the evolution of female representation in the last 20 years. In the first free elections for the Parliament after 25 April 1974, female participation was 8 per cent. This percentage came down by about half in the next elections, slowly recovering after that, and only after 16 years was a slightly higher percentage reached — 8.7 per cent in 1991. Presently, with substitutions that took place, the percentage is 13 per cent.

99. Regarding female participation in Government, considering ministers and secretaries of state, female participation has usually been under 10 per cent, never going over 10.3 per cent.

100. As for local power participation, in the elections that took place in 1993, only five women were elected mayors (1.6 per cent). In the elections that took place on December 1997, the number of women rose to a total of twelve (3.1 per cent). In terms of participation in the local level assemblies, the percentage of women elected in the first elections referred to is approximately 11.1 per cent.

101. In public administration, even if women represent 65.1 per cent of all workers, only 11.1 per cent are general administrators and 25 per cent are general sub-administrators. In institutions such as the *Conselho do Estado* (Council, of the State), the *Tribunal Constitucional* (Constitutional Court of Law), the *Conselho Nacional de Educação* (National Board of Education), the presence of women is rare.

102. The question of the presence of women in decision-making, and in public and political life in particular, is, as a matter of fact, a question that has been getting some attention from the national mechanisms for equality and has mobilized the non-governmental organizations that have promoted debates, seminars, manifestations that have brought this matter to the attention of the public.

103. Some actions promoted, in the context of the *Rede Europeia "Mulheres e tomada de Decisão"* (European net — women and decision-making) also contributed for this debate. The unanimous approval of Parliament of a recommendation subscribing the "*Declaração de Atenas*" (Athens Declaration", in 1993, on the participation of women in public and political life, is worth notice.

104. In this same perspective, particular reference should be made to a symbolic initiative that took place in 1994. The initiative was the "Equalitarian Parliament", a two-day event in the National Parliament, and within the context of the European Campaign for the European Parliaments elections, that gathered female and male deputies of the current legislature and of the prior one, in equal numbers, and discussed this matter in terms of citizenship and democratic rights.

105. Presently, following the new constitutional disposition mentioned above, and in the context of the debate on the revision of the electoral law, the issue of female participation in political life was again raised, and now figures in a debate of growing importance in Portuguese society.

106. A high-level expert group was charged with studying the implications of article 109 and with proposing measures for the more effective participation of women in political life, to be integrated in the Electoral Law that was then being prepared.

107. The conclusions of the expert group produced many innovative proposals, still not adopted, which set the route for: the creation of minimum percentages of both genders in the electoral listings, with compulsory reflection in the electoral results (25 per cent), forcing a balanced distribution in the listings; the adoption of progressive objectives in these minimum percentages; the rejection of listings that don't respect this prerequisite; punishment of parties that don't fulfil the minimum percentage; rewards for parties that exceed 33.3 per cent; all of the above bearing in mind the organization of the Parliament's work so that it is possible to reconcile professional and family responsibilities. Some of these measures were included in the electoral law proposals of the Government, namely those proposing minimum percentages of both sexes in the electoral listings, with compulsory reflection in the electoral results.

108. In spite of all this, the law was not approved by the Parliament. The Government announced, however, the presentation of an independent proposal, aiming at the approval of more equal criteria and more in agreement with the formalities of the constitutional provisions for the promotion of equality. The project is now in Parliament for discussion.

109. In January 1999, the Parliament's Commission for Parity, Equality of Opportunities and Family promoted a public hearing on this matter, during which entities, institutions, and relevant personalities were heard.

110. In the context of this debate, several institutions of civil society, namely women's organizations, also promoted initiatives to inform and sensitize public opinion and the media, transmitting quite vividly some of the different opinions on the matter.

Article 8

111. During the period under consideration, there were no measures taken on issues pertaining to article 8. Since 1974, women have been allowed to join the diplomatic corps (law decree number 308/74, of 6 July, ruled that there ware no legal or institutional obstacles to women representing the Government internationally or in international organizations). Unfortunately there is no statistical data on this subject, only information about the participation of women in the diplomatic corps (in 1996 there were 95 women in a total of 495 people, i.e. 19.2 per cent). The percentage of females in the Ministry of Foreign Affairs is 56 per cent. Women make up 51.3 per cent of the managerial personnel as well as about 70 per cent of the superior technical personnel.

Article 9

112. Portuguese law consecrates total equality of rights, with no discrimination as to gender. It guarantees equal rights to men and women in terms of acquisition, altering and keeping of nationality. There were no alterations to this right during the period under consideration.

Article 10

Legal Board and Political Orientation

113. The Portuguese Legal Board guarantees non-discrimination and equal rights to women and men in the field of education, setting out a set of measures at various levels to achieve these objectives.

114. The Portuguese Constitution guarantees the principle of equal opportunity in this field in paragraph 1 of article 74: Everyone has the right to education as a guarantee of the right to equal opportunity and success.

115. The *Lei de Bases do Sistema Educativo* (law of the basis of the educational system), law number 46/86 of 14 October, considers in sub-paragraph (j) of article 13 that the education system is organized in a way that ensures equal opportunity to both genders, namely through practices of co-education and school and professional orientation, and sensitizes, to that end, a set of measures as part of the educational process.

116. The *Plano Global para a Igualdade de Oportunidades* (global plan for equal opportunity), bearing in mind the assumed responsibilities relative to the Platform of Action of the Fourth World Conference on Women, contemplates diverse measures relative to equal opportunity for girls and women, boys and men, to education; namely concerning the inclusion of themes related to the equality of opportunity in the school's curriculum, as well as in courses of teachers training and of trainers working in the training employment market, concerning which should be noted:

Objective 1 — To integrate the principle of equal opportunity for women and men in all economic, social and cultural policies

Point 3 — To promote the inclusion of issues related to questions of gender and equality of opportunity in the school's curriculum, as well as in the courses of initial training for agents of the educational process and of the trainers working in the training employment market

Objective 3 — To promote equal opportunities in employment and work relations

Point 5 — To persuade the enterprises to adopt measures of positive action, such as the hiring of long-term unemployed women over the age of 40, the integration of women in new professional areas where they might be outnumbered or the access of young women to practical training through internships that facilitate their professional insertion

Point 9 — To promote the participation of women in professional training and to strengthen their possibilities of re-qualification and access to new professional areas or areas where they might be outnumbered, as well as to leading positions.

Objective 4 — To reconcile private and professional life

Point 3 — To endow the services under the High Commissioner for the Question of Promotion of Equality and Family with the financial means necessary for the promotion of campaigns of sensitization of public opinion, in particular, through the audio visual media, on the importance of sharing family responsibilities and the balance of the family and the development of children and youngsters

Point 4 — To promote the creation of institutions for child care (family nurseries) for the elderly (home support day care centres), and for the handicapped (institutions of rehabilitation and recovery), through cooperation between the central administration, the local authorities and non-governmental organizations, with recourse to financial support from the *Fundo Europeu para o Desenvolvimento Regional* (European Fund for Regional Development)

Objective 5 — Social protection of family and maternity

Point 3 — Protection for teenage mothers in the health assistance domain and in education, aiming at their non-exclusion from the educational system.

Objective 6 — Health

Point 2 — The study of prevention measures for teenage pregnancy, in the ambit of sexual education and family planning, to be promoted in schools, health centres and in the hospitals

Objective 7 — Education, science and culture

Point 1 — To encourage and support the education of adults aiming at reducing illiteracy and raising the educational level of the population in general, and of the feminine population in particular

Point 2 — To promote, through the creation of prizes, the creation of school books and other teaching and social materials that pass on non-stereotyped male and female images

Point 3 — To promote and support studies and initiatives that objectively evaluate the

importance of the historical contribution of women to Portuguese culture

Point 4 — To ensure that, in school programmes, due attention is given to the complementary task of both genders in society and in the family so that discrimination, namely the traditional attribution of tasks between men and women, is overcome

Point 5 — To include units on sexual education in the school teaching programme, within the ambit of health education programmes

Point 6 — To supply non-stereotyped options of courses and professional careers, offering young students, from the ninth compulsory grade, orientation and information on all the medium and superior courses, as well as their possible professional outcomes, and promoting short-term internships in enterprises and organisms of the central, regional and local administration

Point 7 — To promote the entrance of young women and men into cultural and technological areas, encouraging their participation in programmes of experimental education

Point 8 — To include the inter-disciplinarian domain of the social relations between the sexes in the programmes for the sponsoring of scientific and technological investigation

1. Factual situations

117. In the last few years the situation of girls and women has evolved in a very positive way in terms of education. The guarantee to access to all levels of education in Portugal has been accompanied by high levels of scholastic success for women. The level and the diversified choices in medium- and superior-education courses reveal female achievements that are higher than ever before. The following rates of participation by gender and educational level are here presented (the data refers to 1994/1995):

Education level	*Women*	*Men*
Basic	88.0	84.7
Secondary	64.1	55.5
Secondary (technical-professional)	57.5	50.5

118. Regarding university-level education, using different indicators, we see below the percentage of women in various courses (the data refers to 1994/1995):

Fields of education	*Percentage of women*
Educational sciences/teachers training	83.2
Humanities	79.1
Medical sciences, health and hygiene	77.1
Exact and natural sciences	58.7
Engineering sciences	27.9
Mathematics and computer science	49.9

A progressive diversification of superior university courses as options for young women has been witnessed. In 1994/1995, young women predominated in all of them, with the exception of architecture and urbanism, mathematics and computer and engineering science, religion and theology. In the same academic year, women represented 56.6 per cent of the enrolled students and 62.9 per cent of those who graduated in University courses. These results, however, find no corresponding female representation in employment, in particular in decision-making positions.

119. The proportion of females with no continuous instruction is still higher than that for males, reflecting the situation of elderly women, who present even higher rates of illiteracy. Nevertheless, women represent more than half of the population having accomplished secondary, medium polytechnic and even university studies. Part of the responsibility for the uneven process falls on the educational system itself, especially because of the persistence of stereotyped models that persist in the "occult curriculum", of educational practices and materials.

120. At this level, it is clear that the Commission for Equality and the Rights of Women has been implementing a set of initiatives ever since the end of the 1970s. Particularly, in recent years, the Commission has collaborated with superior schools of education, universities and centres for the education and training of teachers, aiming at combating these obstacles and including the issue of equal opportunity in the basic education of teachers.

121. We would like to note, however, that in the Ministry of Education, as well as in all other ministries, there is a *Conselheira para a Igualdade de*

Oportunidades (counsel for equal opportunity). This individual, created by law decree number 166/91 of 1 May, establishes the objectives and competencies of the Commission for Equality and the Rights of Women, and has the task of promoting and putting into practice the integration of equality in all policies, programmes and measures of her/his Ministry. The measures for Counsellors for Equality constitute the *Secção Interministerial do Conselho Consultivo*, the Inter-ministerial session of the Consulting Council of the Commission, whose president is also the President of the Commission.

2. Political measures

122. There is an entire set of measures to promote equality between women and men in terms of education which has been adopted by different entities.

123. The subject of personal and social development was created (Law Decree number 286/89 on 29 August), for basic and secondary education, and puts into practice, in a specific way, the subjects listed in paragraph 2 of article 47 of the *Lei de Bases do Sistema Educativo* (law of the basis of the educational system), which stipulates: The curricular plans of basic education will include in every cycle and in an adequate manner an area of personal and social training, that can consist of ecological education, consumer education, family education, sexual education, accident prevention, health education, education for the participation in institutions, civic services and other services in this ambit. The type of training for teachers of this subject was approved by dispatch 25/ME/95 of 4 April.

124. The *Conselho Nacional de Educação* (national education council) started including a delegate representing non-governmental organizations of women, in compliance with law number 241/96 of 17 December.

125. Continuous training of teachers: a new area and domain was introduced in November 1997, by the *Conselho Cientifico — Pedagógico da Formação Continua* (science — pedagogic council for continuous training), for the register of Docents, *Igualdades de Opportunidade para raparigas e rapazes* (equal opportunities for young women and young men), in the ambit of the competencies attributed by the Juridical Regime of Continuous Training for Teachers annexed to law decree number 207/96 of 2 November.

126. Some universities and schools for education have introduced into their basic initial education for teachers subjects on equal opportunities between men and women (e.g. Superior School of Education of Setúbal, University of Coimbra and the Faculty of Psychology and Sciences of Education of the University of Oporto) or modules on the same subject (e.g. Superior Schools of Education in Coimbra, Oporto, Beja and University of Evora).

127. Among the various measures and initiatives implemented by the Commission for Equality and the Rights of Women, we list the following:

(a) The Commission for Equality and the Rights of Women has been offering a course of continuous training for teachers, with the duration of 50 hours, in Centres for Continuous Training for Teachers;

(b) Since 1993, nine courses involving 250 teachers of both sexes have taken place;

(c) The course is credited by the Scientific and Pedagogical Council for the Continuous Training of Teachers.

128. Various other projects have also taken place, among which we list the most recent ones:

(a) A transnational pilot project, *Em Busca de uma Pedagogia da Igualdade (1993-1995)* (searching for teaching of equality) coordinated by the Commission for Equality and the Rights of Women and by the University of Valladoid (Spain) and financed by the European Union;

In the ambit of the project, two Summer Universities took place (Lisbon, 1994, Palência, 1995), a set of activities were developed between teachers and students in primary and secondary schools; and a project of investigation action was carried out, the results and conclusions of which were made public during the second Summer University;

The project produced various publications in Portuguese;

(b) A transnational pilot project, *Equality of Opportunities and Initial Training of Teachers* (1995-1997), was coordinated by the *Universidade Aberta* (open university), with the cooperation of the Commission and financed by the European Union;

Participation in the project came from the *Universidade Aberta* and the University of Coimbra and the University of Evora in Portugal; the University of Valladolid, in Spain, the Academy of Lyon in France and the *Centro per l'Innovazionne e per la Sperimentazione Educativa, in Italy;* curricular modules were produced, aiming at the introduction of issues of equal opportunity between men and women in the initial training for teachers;

(c) A transnational pilot project *Coeducação: do Principio ao Desenvolvimento da uma Prática* (1998-2000) (coeducation: from the principle to the development of a practice), coordinated by the Commission, was initiated in the end of 1998. The Portuguese participants in the project were the Portuguese Association of Studies on Women, the University of Evora, the University of Oporto and the University of Coimbra, the Superior Schools of Education of Beja, Santarém and Setubal. The University of Valladoid, Spain, the Academy of Lyon, France and the *Centro per l'Innovazionne e per la Sperimentazione Educativa*, Italy, also participated;

129. In addition, the Commission:

(a) Issued official considerations on issues of equal opportunities for the Ministry of Education, specifically, concerning projects supported in the ambit of the *Sistema de Incentivos para a Qualidade de Educação* (system of incentives for the quality of education), on the inclusion of equal opportunity as an evaluation criteria for school books (1997) and concerning the profile of teachers Competencies on basic primary and secondary education (1998);

(b) Elaborated a protocol on the collaboration between the Ministry of Education and the Commission for Equality and the Rights of Women is about to be signed, concerning the integration of issues of equal opportunity between men and women in training activities organized by the Ministry for its employees;

(c) Signed a protocol for cooperation between the Centre's Regional Education Direction and the CERW (in the ambit of the competencies and the geographical area of that Regional Education Direction) for the promotion of a sensitization for the issue of gender and the equality of opportunity close to the schools, of the counsellors and the regional and local heads of the Ministry of Education;

(d) Collaborated a protocol between Education Department for Primary Education and the Commission aimed at the introduction of the issue of equality of opportunity in the primary school years (for this purpose, educational materials for teachers will be produced and supplied);

(e) Organized awareness activities on equal opportunities to education in school premises and in the Ministry of Education, directed at decision makers as well as the general public;

(f) Worked on a collection of publications on issues of equal opportunity to education, based on which 12 titles have been published. In addition to this collection, the Commission has also published many other books on similar subjects.

130. Concerning policies and specific actions regarding textbooks, studies on sexist distortions in school textbook manuals reveal that the attention and preoccupation given to this issue, particularly in the 1970s, in United Nations and European Union decisions and recommendations, have not been put into practice in a clear and unquestionable manner by the Portuguese State. According to studies, sexist distortions that perpetuate the stereotyped image of women and men are still reproduced, as well as a growing invisibility of references to women in texts used in secondary and post-secondary schooling. On this matter the legal framing and the political orientations are given by:

(a) Law degree number 369/90 of 26 November, which regulates the system of adoption of school textbooks and which does not mention the promotion of equal treatment between women and men;

(b) The specifications that are sent annually to schools by the *Departamentos de Educação Básica e do Ensino Secundário* (Department of Basic Education and of Secondary Education), with the definition of the criteria to be adopted for the selection and adoption of school books also omits the subject of equality between women and men.

(c) The *Plano Global para a Igualdade de Oportunidades* (Global Plan for Equal Opportunity) annexed to the *Resolução do Conselho de Ministros* (Resolution of the Council of Ministers) number 49/97, approved on 6 March, establishes, in objective 7, on education science and culture: the promotion namely

through the attribution of prizes, the elaboration of school textbooks and other educational and cultural materials which introduce non-stereotyped images of women and men.

131. The Commission has been considering this issue since 1979, and has participated in working groups and promoted seminars and studies on educational materials already covered in previous reports.

132. In the 1990s the study *Pedagógicos e o desenvolvimento de uma educação para a igualdade dos sexos* (Pedagogic Material and the development of an education for equality between sexes) was issued containing a listing of sexist distortions in various teaching materials and the presentation of suggestions and alternatives for the evaluation of teaching materials from an equal rights perspective.

133. The Commission has also reinforced sensitization activities by the Ministry of Education, through the elaboration of official opinions about the importance of integrating equal opportunity between women and men as a criteria for the evaluation and selection of school textbooks and, in 1996, cooperated with the Spanish *Instituto de la Mujer* (Woman's Institute) in the translation and distribution in Portugal, to the Ministries of Education and institutes of learning, of a poster on the production of non-sexist school books. The Commission also translated and disseminated the recommendations of the European Union on the elimination of sexism in language, which was adopted in 1990.

Article 11 (1)

1. Employment, labour conditions and professional training

134. Several laws were adopted reinforcing the guarantees of the right to equal opportunity between men and women concerning employment, working conditions and professional training.

135. In the ambit of the right to professional training, consecrated in the Constitution, specifically in article 58, the Government considered the issue a matter of priority, subscribing to the *Acordo de Política de Formação Profissional* (Professional Training Policy Agreement) which was celebrated by the Government, the worker's representative organizations and employers in July 1991. The Agreement embraced various priority areas in the area of professional training, namely the integration of disfavoured groups (including women) into the labour market.

136. Law decree number 401/91 of 16 October, on the professional training regime, established, as one of the priorities of professional training (whether initial or continuous), the promotion of equal opportunities in the access to training, employment and work and also to the career progression, thus reducing social and professional inequalities and social exclusion.

137. Law decree number 405/91 of 16 October, set out rules for the provision of professional training in the labour market, establishing that the State must consider easing the difficulties that the disfavoured groups within the population (including women) experience when defining the priorities to be observed in granting of support for training.

138. As a result of the above laws, several measures destined to stimulate and support women beginning or returning to professional activity were adopted, including programmes of professional training dedicated to the inclusion in the labour market of women who were destined to adult long-term unemployment and of young unemployed women.

139. In the terms of normative dispatch number 52/93, of 8 April, which standardized the training/employment programme norms and procedures promoted by the *Instituto de Emprego e de Formação Profissional* (Employment and Professional Training Institute), the employment and professional training entities that integrate women into professions where they are underrepresented are exempt from any financial obligations for the training scholarships.

140. Kindergarten or day-care centre subsidies are given to women who attend professional training in the direct management centres of the *Instituto* and have children in their care.

141. Constitutional law number 1/97 of 20 September introduced significant changes to the Constitution, the most important change being that the promotion of equality between men and women became one of the fundamental tasks of the State (art. 9). In addition, legal protection against all forms of discrimination is now included in rights, liberties and personal guarantees (art. 26), which, according to article 18, are directly applicable and binding on both public and private entities.

142. Article 58, on the right to work, was also altered, entrusting to the State the task of promoting equality of opportunity in choosing profession or type of work and conditions of work, which cannot be closed or limited to one sex, of free access to any position, work or professional category.

143. Article 59, referred to above, was also altered, to stipulate that the employing organization must allow, in conditions of dignity, not only personal realization, but also the reconciliation of professional and family lines. Finally, article 68 gives both mothers and fathers work leave rights for an adequate period of time, in the best interests of the child and the needs of the family.

144. In terms of the law of the European Union, Portugal, as well as participating in the *IV Programa de Acção Comunitário a Médio Prazo para Igualdade de Oportunidades entre Mulheres e Homens 1996-2000* (IV Medium-Term European Action Plan for Equal Opportunity between Women and Men 1996-2000), over-fulfilled the various directives adopted in the plan.

145. Beyond reformulating the constitutional principle of equal opportunity between women and men, several different measures, not only legislative have been adopted to ensure respect for the above principle in the areas of the right to work, to equal treatment in the workplace and the decent working conditions.

146. In order to promote the application of the legislation on the matter of equal opportunity to employment, labour and professional training, the *Comissão para a Igualdade no Trabalho e no Emprego* — (CITE) — (Commission for Equal Opportunity to Work and Employment) was created in 1979. An entity involving the participation of three different entities, the Commission is currently under the tutelage of the Ministry of Labour and Solidarity, overseeing the situation with regard to the dismissal of pregnant women, women with small or breastfeeding children, the approval of recommendations for the alteration of legislation or the proposal of new measures connected to equal rights in employment, and in the workplace and to professional training.

147. In addition to the publication of studies, specifically on violations of the dignity of men and women in the workplace, the Commission (CITE) has disseminated information on sexual aggression, so that it can be prevented and victims can be enlightened about their rights.

The informative and formative activities of CITE target the general public and some specific strategic groups, namely, social negotiators, entrepreneurs, union workers, legislators serving businesses and syndicates, human resources technicians, public administration functionaries and agents, magistrates, lawyers, teachers and municipal entities.

148. Also concerning the right to equal treatment in the workplace and decent working conditions, law number 105/97 or 13 September aims at the application of this right and guarantees its application.

149. The above law is applicable both to the public and private sectors, and, apart from defining the concept of indirect discrimination, it establishes that discriminatory practices occur when there is a considerable disproportion between the number of male and female workers.

150. In spite of the legal rights conferred to the worker's unions active within an entity acting in violation of the right to equal treatment, in any action to prove discriminatory practice, regardless of the right to action by the worker or candidate, the employer is the one obliged to prove the existence of any practice, criteria or discriminatory measure regarding gender.

151. According to the law, any discriminatory practice in terms of gender, whether direct or indirect, constitutes a violation, punishable with a fine between 5 to 10 times the highest minimum granted remuneration per month, not precluding the application of another sanction under the law. In cases of reoccurrence, in addition to the minimum and maximum limits of the fine being doubled, and additional sanction is imposed, consisting of a legal condemnation of the employer to payment for the expense for an official publication, in one of the most widely read newspapers in the country, of the legal extract declaring the existence of the particular discriminatory practice. In cases like this, the employer is also forced to display the official notice in his workplace.

152. All the decisions will be sent to CITE to organize for their registration, and supply the information on the registration of any information that has been sent *in rem judicatem* to Judges who will officially rule on it. The obligation of the Government to organize and publish the necessary statistics in due time results from this law.

153. *The Plano Global para a Igualdade de Oportunidade* (Global Plan for Equal Opportunities) proposes several measures on this matter, some of which are worth noting:

(a) Inclusion of themes related to questions of gender and equal opportunity in courses of initial and continuous training for teachers;

(b) Consideration of questions related to gender in the studies on impact of the different measures of the *Ministerio do Trabalho e da Solidariedade* (Ministry of Labour and Solidarity);

(c) Introduction of specific measures aiming at equal opportunity in the existing regulations of the *Quadro Comunitário de Apoio* (European Community Board of Support);

(d) Introduction of specific measures aiming at equal opportunity in the existing regulations of the *Quadro Comunitário de Apoio* (European Community Board of Support);

(e) Reinforcement of the control and fulfilment of the legislation in equal opportunity through the *Comissão para a Igualdade no Trabalho e no Emprego* (Commission for Equality of Labour and Employment) and through the intervention of the *Inspecção Geral do Trabalho* (Inspector-General on Labour), whose agents are specifically training on this subject;

(f) Creation of an inspection unit inside the *Comissão para a Igualdade no Trabalho e no Emprego* (Commission for Equality of Labour and Employment) to oversee the issue of equality as well as the instruments of collective regulation of labour, aiming at sensitizing and encouraging employers to introduce positive measures;

(g) Distribution of documents containing proposals to ensure equal opportunity to work in all bodies of public administration, as well ensuring the same opportunity to spouses in the ambit of nominations to work in this sector;

(h) Encouraging enterprises to adopt positive measures, such as contracting long-term unemployed women and the integration of women in new professional areas where they might be outnumbered;

(i) Promotion and dissemination of specific support programmes of a financial and technical nature to women's entrepreneurial initiatives;

(j) Introduction into the regulations of the programmes financed by the European Social Fund of benefits or financial bonuses for actions that support these objectives;

(k) Stimulating the creation of institutions for child, elderly and handicapped care through cooperation between the central administration, local governments and non-governmental organizations;

(l) Stimulating not only the social partners in the Social Concentration Commission, but also the enterprises for the promotion of reconciliation measures for professional and personal life, namely through the introduction of new ways of organizing working hours, targeting flexibility in working schedules;

(m) Establishment of a juridical board on the question of work in the home, with a view to the adoption of measures to acknowledge the value of this work as labour, including for taxes and social security.

154. The *Acordo de Concertação Estratégica* (Agreement on Strategic Deliberation) 1996-1999 also included equal opportunity as an objective, including the involvement of the Government and its social partners.

155. Aiming at the completion not only of existing legislation, but also international agreements on issues of equal opportunity between men and women, several positive measures related to employment, labour and training were promoted. Out of the group of positive measures some that are worth mentioning are:

(a) A 20 per cent supplementary financial prize for incentives to hire women in professions of fields where they are outnumbered, the prize to be awarded for each position filled;

(b) A 20 per cent bonus for public support programmes in the following areas: local employment initiatives, the conservation of the cultural patrimony, the creation of self-employment and the creation of self-employment for the unemployed, whenever at least 50 per cent of the joint stock of the company belongs to the workers and these workers directly participate in the management of the enterprise;

(c) Exception from payment for training for entities that integrate training/employment programmes for enterprises that hire women in professions where they are outnumbered;

(d) Application of the principle of equal opportunity as a criteria for the selection of professional training projects to be jointly financed by the European Social Fund;

(e) Adoption of measures that include the principles of equality in the ambit of the second *Quadro Europeu de Apoio* (European Board of Support): financial support to the enterprises that guarantee the participation of women in non-traditional fields; merit prizes to enterprises that develop programmes that contribute in an exemplary manner to equality of opportunities; and bonuses for training scholarships to be granted to workers who have children or grown-ups in their care and have to entrust them to others in order to be able to attend training programmes.

156. Resolution 59/98 of 6 May of the Council of Ministers approved the *Plano Nacional de Emprego* (National Employment Plan). The Plan rests on four pillars: I - employability, II - entrepreneurial spirit, III - adaptability and IV - equal opportunity. To achieve the objective of promoting, on a horizontal and integrated perspective, equality among men and women in measures and actions, in work, employment and at the professional training level, the measures for affirmative action must be considered implicit in the first three pillars referred to above. Thus, in the ambit of pillar IV, on equal opportunity, aiming at fighting discrimination between men and women, and considering the reconciliation of professional and family life and the reintegration in active life, new instruments were considered, namely:

On combating discrimination between men and women:

(a) The creation of a bureau for equal opportunity, starting with the construction of modules, methodologies and innovative materials, directed at strategic groups;

(b) The inclusion of a module on equality of opportunities in all public training developed by the *Instituto do Emprego e da Formação Profissional* (Centre of Employment and of Professional Training);

(c) The creation and running of an investigation unit for equal opportunity, including instruments for the collective regulation of work;

(d) The distribution of prizes to enterprises with outstanding policies in the field of equal opportunity;

On reconciliation of professional and family life:

(e) To give priority to activities that respond to the search for services needed for the improvement of the quality of family life and women's lives, particularly activities involving the development of the *Centros de Ocupação dos Tempos Livres* (centres for spare time) which offer counselling for students when their legal guardians are unavailable;

(f) The regulation of parental leave guaranteeing equal rights and opportunities to both spouses with jobs;

(g) Encouraging the elaboration of codes of goods practices in areas such as the protection of motherhood and fatherhood and positive activities for the reconciliation of family and professional life;

(h) The provision to both sexes, through initial and continuous training, of education in the competencies for the exercise of activities that support family life;

(i) The extension of the pre-school network;

Finally, with the objective of easing the re-integration into working life:

(j) Creation of other pilot training centres for all stages of life, not only for long-term unemployed people, and also for the re-integration of workers after an extended interruption in professional working life;

(k) Specific support for enterprises that promote equal opportunity in reintegrating workers into professional working life;

(l) Adjustment and reinforcement of positive measures;

(m) Creation of a support fund for new activities destined for beneficiaries of the minimum wage.

157. In the ambit of the fulfilment and control of the application of the principle of equal opportunity between men and women, we would like to point out that discrimination based on gender is considered an offence, fines being applied by the *Inspecção Geral do Trabalho* (General Labour Inspection). Specific training is given to inspectors working in the area of equal opportunity to work and in the work place and to professional training at the initial training level. The Portuguese courts of law have considered that the violation of the rules of equal respect for men and

women in the work place constitute just case for the revision of the labour contract by the offended party.

2. Social security

158. Law decree number 307/97 of 11 November consecrated the application of the principle of equal treatment between men and women in the area of social security benefits, specifically those that assure protection against disease, invalidity and old age, including early-retirement, on-the-job accidents, professional diseases, unemployment and family subsistence contributions. The above-mentioned benefits are applied in contributions destined to complete the payments granted by the social security regime or to substitute for prior ones, whether participation in these regimes is compulsory or elective. The non-fulfilment of the payments determined by the law, as well as the non-elimination of the existing discrimination in the professional regimes, are punishable by fines ranging from 10,000 to 1,000,000 Portuguese escudos, to be applied by the regional centres of social security.

159. Important technical and normative measures for the application of specific rulings for the payment of death benefits were also adopted, leading to the complete reformulation of laws in this area, and the introduction of several improvements, among which the application of the principle of equal treatment between men and women stands out.

160. Law number 19-A/96 of 9 June regulated by law decree number 196/97 of 31 July is also noteworthy as it established the first board to rule on the right to the minimum wage. In spite of the fact that this right has an overall application, the number of women who will benefit from it will be quite significant.

161. The payment granted consists of a financial contribution, which is non-taxable, granted in strict conformity with the programmes of social integration. The right to this payment is given to people who legally reside in the national territory, whose income, whether personal or from someone in the family, is less than the established lowest limit. The concept of family household includes: the spouse, persons cohabiting as a couple for a period of over one year and underage relatives.

3. Security, hygiene and health in the work place

162. The national legislation relative to security, hygiene and health in the work place is set out in law decree number 441/91 of 14 November, which contains a set of basic principles relative to security, hygiene and health in the work place, directed at the implementation of a general professional risk prevention programme to ensure the workers' right to working conditions of security, safety, hygiene and health protection.

163. In spite of having a generic application, once the decree is applied, to both self-employed workers as well as to dependent ones, in both the public and private sectors, it will ensure the adoption of complementary legislation for certain groups of workers sensitive to specific risks, namely pregnant women.

164. With the objective of regulating both the law referred to above as well as law number 17/95 of 9 June relative to the protection of motherhood and fatherhood, administrative-rule number 229/96 of 26 June was published, establishing special safety and health conditions for this group of workers in the work place and also partially revoking the dispositions on administrative rule number 186/73 of 13 March.

165. The rule establishes a list of physical, biological and chemical agents as well as a list of activities which can present specific risks, setting conditions or forbidding the development of those activities as they pertain to pregnant and breastfeeding women, as well as those about to give birth.

166. The evaluation of the nature, degree and duration of the risks that these working women are exposed to must be carried out by the employer, who must adopt the necessary measures to prevent exposure to the named risks. The employer must also ensure the adaptation of working conditions for the completion of other tasks compatible with the state and professional category of the worker, also granting women workers leave during necessary periods so that they may avoid exposure to risks.

167. All the rights of the working woman are maintained in these cases and she is granted a subsidy — equivalent to 65 per cent of her remuneration — under decree number 333/95 of 23 December. In cases where the worker is an employee of the central, regional or local administration, the subsidy will be equal to the

employee's whole salary as established in law decree number 194/96 of 16 October.

168. Law number 17/95, also consecrates specific measures relative to night work for pregnant and breastfeeding women. Pregnant workers are to be released from night work for 112 days before and after birth, out of which at least half must be taken before the presumed date of birth. Women can also be released from working at night during pregnancy and breastfeeding, if a doctor's medical statement is presented considering the woman's health, the state of the unborn baby or the child's health.

169. During the period of leave from night shift, a compatible daytime working schedule must be assigned to the pregnant woman, breastfeeding woman, or, whenever that is not possible, they must be given leave from work, with no loss of rights and subsidy as set out in law decrees number 333/95 and 194/96.

170. Still in regard to these matters, administrative rules number 197/96 and 198/96 of 4 July are worth mentioning. They regulate the minimum health and security obligations in drilling or mining industries, whether above or underground, establishing specific rulings ensuring periods of rest for pregnant and breastfeeding women under adequate conditions.

Article 11 (2)

171. National legislation forbids the discharging of employees without good cause. The discharge of an employee for reasons that contradict the principle of equal treatment between men and women, which is consecrated by the Constitution, is not considered just cause.

172. On 9 June 1995, law 17/95 was published, introducing changes to law 4/84 of 15 April, relative to the protection of maternity and paternity. According to the law, the discharge of pregnant, breastfeeding or parturient women is considered a discharge without just cause, and the employer has the obligation to legally rebutting this charge.

173. In addition, in situations where the ending of the labour contracts is legally promoted by the employer of the pregnant, breastfeeding and parturient women, a favourable opinion from the *Comissão para a Igualdade do trabalho e no Emprego* (Commission for Equal Opportunity to work, and in the work place) is always necessary, according to article 18 of the Maternity and Paternity Protection Law.

174. The above law, as well as augmenting the duration of maternity leave and ensuring measures of protection for pregnant, breastfeeding and parturient women, regulated a special license, for a period of six months to two years, for child assistance and disallowed discharge of those workers in the cases where the employer had not previously obtained a favourable opinion from the *Comissão para a Igualdade do trabalho e no Emprego* (Commission for Equal Opportunity to work, and in the work place).

175. A favourable opinion is only given when the Commission concludes that the discharge is neither directly nor indirectly motivated by the fact of the pregnancy and that, therefore, the discharge does not constitute a discriminatory measure.

176. After the issuance of law number 17/95, several legal documents on the new regime for the protection of maternity and paternity were published, namely law decree number 333/95 of 23 December in the field of labour relations in private law, and law decree number 194/96 of 16 October in the ambit of public administration workers.

177. Law number 17/95 increased the duration of maternity leave to 98 consecutive days, 60 of which must be taken after the birth (the rest can be totally or partially enjoyed before or after the birth) sixty days can be added to this period in cases of clinical risk requiring hospitalization. The enjoyment of at least 14 days of maternity leave is compulsory. The father can enjoy the right to maternity leave if the mother has physical or psychological incapacity. In cases of adoption of a child less than 3 years old, the adopting parent has the right to 60 consecutive days of leave to care for the child.

178. For all legal purposes, maternity leave is considered as actual labour when calculating the worker's seniority as well as the allowance/alimony and the *Subsidy de refeição* (food allowance). As for payment of salary, public administration workers are entitled to full remuneration of their wages, while the workers bound by individual labour contracts are entitled to a subsidy equal to the remuneration that is paid by the Social Security.

179. In addition, the recently published law number 18/98 of 28 April extends the protection of maternity

and paternity consecrated by law number 4/84, and, with the revision of law number 17/95, extended the duration of maternity leave to 120 consecutive days, 90 of which are to be enjoyed after the birth. The new law allows an extension of 30 days for each twin after the first, in cases of multiple birth.

180. This same law introduced changes to parental leave, which can now be extended up to 3 years in cases of the birth of a third child, and is taken into account in the calculation of the retirement pension — *pensão de reforma*, for invalidity or old age. With this law, employers were also entrusted with the duty of finding solutions for professional training for workers returning from parental leave.

181. The law will be put into practice in a progressive way, in phases, extending the license to 110 days between the period of 1 January and 31 December 1999, and going up to 120 days starting January 2000.

182. Law decree number 333/95 of 23 December provided for the adaptation of the social security regime to the new changes, among which it is worth mentioning the creation of a subsidy for the specific risks for pregnant, breastfeeding and parturient women resulting from exposition to agents, processes, working conditions and night time labour that may present health risks to the worker or child, as well as of a subsidy for assistance to the beneficiary's sick or handicapped offspring.

183. In situations where an assistance subsidy is granted for offspring less than 10 years old, in cases of disease, the exclusive exercise of parental power by one of the parents is no longer demanded, allowing single parents and adoptive families access to this subsidy.

184. Law number 102/97 of 13 September granted the right to special leave for assisting handicapped and chronically ill patients as well as a subsidy for parents who exercise this right.

185. The regional centres of social security, the private social solidarity institutions and the social support organizations deliver services connected with the care of children during working hours, through the service of nannies, nursery homes, kindergartens and recreation centres. The payment for the use of such services is estimated according to the household income, however, in cases of proven economic necessity, no payment is required.

186. Projects and specific actions for women have been developed by the *Comissão para a Igualdade e para os Direitos da Mulheres* (Commission for the Equality and the Rights of Women). The Commission, from 1993 to 1995, put into practice a project entitled *Bem me quer*, integrated in the European Community's *Emprego e Desenvolvimento dos Recursos Humanos* (Employment and Human Resources). The project set up support services by five regional governments for the professional re-integration of women into professional working life.

187. The services, called *Espaços de Informação Mulheres* (Women's Information Spaces) have the function of:

(a) Supporting women:

(i) In the identification of their personal and professional knowledge, in the definition of their interests and in the professional application of their acquired competencies;

(ii) In the search for professional training adequate to their individual situations;

(iii) In job searching;

(iv) In the clarification and counselling of the projects for the creation of self-employment, as well as other economic activities;

(b) To intensify the growing involvement and cooperation between entities, public and private, at both local and regional levels, to best explore the available resources, aiming for an easier professional re-integration of women in "regular" jobs, and/or in income generating work and increasing their participation in local and regional development;

(c) To create informative and educational support to help and support the creation of new "*Espaços de Informação Mulheres*" (Women Information Spaces) by other regional governments.

188. The project established groups of "Spaces" to integrate the project objectives as well as their activities; it identified the resources and the development strategies of each local government involved and established cooperation nets with local and regional entities for common activities to stimulate better professional re-insertion of women. It also created formative and educational support destined to promote the creation of new Spaces by other regional governments.

189. In addition to the numerous formative and informative materials, which were not published, the project was involved in the creation of a new collection of the Commission, called "*Bem me Quer*", devoted to the publishing of studies and informative, sensitization and educational materials to support the professional re-insertion of women to improve their professional status and to build their careers. This is a specialized collection on areas of professional training, employment and equal opportunity.

190. Thus far, five titles, product of field work experience, have been published. A video was also produced, "*Espaços de Informação Mulheres*" (Women Information Spaces), to sensitize public and private entities that are potential supporters for the profession re-insertion of women and for these structures existing at a more decentralized level.

191. In 1996/1997, the Commission for the Equality and the Rights of Women promoted a project, *Trampolim*, also integrated in the European Community's "*Emprego e Desenvolvimento dos Recursos Humanos*" (Employment and Human Resources Development), with the objective of informing and sensitizing the local governments of both of the autonomous regions of the country and other local agents about the creation of local nets for dynamizing and promoting questions of equal opportunity and, more particularly, about the status of women in society as well as their integration in the labour market under equal conditions of work and with a perspective of regional development. The project organized seminars with several local governments in the autonomous regions and initiated the creation of mechanisms for equality in these same regions.

192. The project, *Trampolim/Reda*, initiated in 1998, is also integrated in the European Union initiative "*Emprego e Desenvolvimento dos Recursos Humanos* (Employment and Human Resources Development). It essentially aims at the creation of a national net of counsellors for equality at the local level, as well as a net of "information centres" for the support of the professional re-insertion of women. With this project, the Commission hopes to:

(a) Inform and sensitize local governments about:

(i) Equal opportunity and the decisive role they must perform in implementing a national policy of equal opportunity;

(ii) The need to create "*Espaços de Informação Mulheres*" (Women Information Spaces) to contribute to the promotion of equal access to labour for women and men, through lending support to women in their individual job searches or through training or creating their own employment or any other type of economic activity, as well as increasing their participation in local development;

(iii) The effective practice of a policy of equal opportunity at the local level.

(b) Produce and test methodologies, as well as educational materials:

(i) For the creation, emplacement and management of the "*Espaços de Informação Mulheres*" (Women Information Spaces);

(ii) To strengthen their capacity in the area of the professional re-integration of women and to dynamize the activities inherent in this kind of service;

(iii) To sensitize the local and economical actors, public and private, at both local and regional levels, for equal opportunity, as well as for cooperation in searching and implementing solutions more adjusted to the specific needs of women and their situation;

(iv) To be responsible for the principle of equal opportunity at the local level (perform the due functions)

(c) Develop the technical competencies of the people working to support the professional re-insertion of women, aiming at the professionalization of this function.

(d) Increase the number of existing national "*Espaços de Informação Mulheres*" (Women Information Spaces), to increase the quality of their services, activities and strategies.

(e) Create a national net of "*Espaços de Informação Mulheres*" (Women Information Spaces) as well as people, responsible for equality aiming at:

Sharing experiences and information, improving capacity of responding to the specific needs of women within the environment where they operate, improve the quality of the actions developed and, so that they can work in

articulation with the Commission, as well as in cooperation with social and economical agents at the council's level, namely employment centres and enterprises for equal opportunity.

(f) Join the activities of the net to the European net of projects aimed at promoting equal opportunity between women and men in the labour market, which already includes five countries (France, Spain, Austria, Greece and Italy), allowing:

(i) Transferring and jointly producing instruments and methods of training and work;

(ii) Joining, contacting and cooperating with structures with the same objectives, operating in various Member States of the European Union;

(iii) Developing common patterns for functioning as well as quality in services;

(iv) Evaluating and disseminating innovative actions and sharing experiences and competencies.

193. This project has been active in the formation of the *Conselheiras para a Igualdade* (Councils for Equality), that are named in the several protocols established between the project and several local governments aimed at the integration of the principle equal opportunity in the policies and activities promoted in their Councils, as well as the training boards of the local governments to create "Information Areas for Women", with the objective of making them capable of carrying out activities in this field.

Article 12

194. In Portugal there are no obstacles to equal opportunity between men and women in terms of access to health services, including services of family planning. During the period under review, several measures were adopted. Law number 90/97 of 30 July altered the legal limit for the termination of voluntary pregnancy. According to the current law, abortion is non-punishable if it is performed by a doctor, or under his/her supervision, in an official health institution or location officially recognized as such, and under the consent of the pregnant woman, when, according to the state of knowledge, and medicinal experience it:

(a) Constitutes the only way to prevent the death or serious and irreversible lesion to the physical and psychological health of the pregnant woman;

(b) Constitutes the only way to prevent the death or serious and irreversible lesion to the physical and psychological health of the pregnant woman; and is performed in the first 12 weeks of pregnancy;

(c) When there is scientific proof indicating that the unborn child will suffer from an incurable disease or congenital malformation, and the interruption is performed in the first 24 weeks of pregnancy (proof from echography or by any other adequate method according to the *leges artis*, except in situations when the unborn cannot survive, in which case the interruption can be performed at any time);

(d) When pregnancy has resulted from a crime against the free will and sexual self-determination and the interruption is performed in the first 16 weeks.

195. Law number 17/95 of 9 July and law number 18/98 of 28 April on maternity and paternity protection. Dispatch 5411/97, set forth a national net for the prenatal diagnosis of handicaps and/or congenital malformations. All couples running such risk have access to free prenatal diagnosis. Also, measures were implemented to provide information prior to conception, aimed at reducing the medical risks linked to pregnancy, and reducing the number of non-counselled pregnant women.

196. The Ministry of Health is earnestly pushing for the fulfilment of the current legislation relative to family planning. Its "*Estratégia da Saúde 1998-2002*" (Health strategy 1998/2002) establishes clear goals in terms of the use of contraceptives and teenage pregnancy reduction.

197. Within the "*Estratégia da Saúde 1998-2002*" (Health strategy 1998/2002) a cooperation protocol was signed by the Commission, with the aim of training and informing health professionals in detecting, supporting and counselling women, victims of violence and children and adolescent victims of mistreatment of sexual abuse.

198. The protocol between the *Direcção Geral de Saúde* (Regional Health Direction) and the *Associação de Planeamento Familiar* (the Association of Family Planning) was signed for the elaboration of educational materials in the area of sexual education/information for young men and women, parents and teachers. In addition, publication is being prepared by the Ministry of Health on the theme "Women and Health in Portugal".

Article 13

199. The national social security system grants equal access for women and men to all family benefits in both general and non-taxable systems. Under the general system, benefits are provided for:

(a) Disease — A monetary subsidy usually attributed for a maximum of 1,095 days, in the amount of 65 per cent of the standard remuneration;

(b) Maternity — A monetary subsidy during 68 days in the amount of 100 per cent of the standard remuneration;

(c) Unemployment — Paid through an unemployment subsidy (65 per cent of the standard remuneration, unemployment social subsidy (the amount is variable, according to the size of the beneficiary's family);

(d) Family duties — Family subsidy to children and young men and women, subsidy of attendance to special education premises, a lifelong monthly subsidy, a subsidy for assistance to a third person and funeral subsidy;

(e) Invalidity — Pension for incapacity to work;

(f) Old age — Pension attributed to beneficiaries that have come to the minimum legal age of retirement;

To the invalidity and old age pensions a subsidy for assistance to a third person assistance can be added. The standard maximum retirement age for men and women is 65, as set forth in law decree number 329/93 of 23 September, which also established a transitional period of 6 years for the gradual introduction of the measure in annual increments of six months;

(g) Death — Survival pension (to which an assistance subsidy for the assistance of a third person can be added) and death subsidy;

(h) Professional diseases — Indemnification and pensions in situations of temporary or permanent incapacity brought on by a work-related illness.

200. The non-contributory system covers nationals and, under some circumstances, refugees, resident foreigners and stateless persons in economically difficult circumstances who cannot be integrated into the general system. The scheme established in the non-contributory system includes the following modalities and contributions:

(a) Family subsidy for children and young men and women;

(b) Subsidy for attendance to an institute for special education;

(c) Orphan's pension;

(d) Social pension for invalidity and old age;

(e) Subsidy of assistance to a third person;

(f) Social equipment.

201. The workers of the central, regional and local administrations have systems of autonomous social protection with similar applications. In addition, concerning family benefits, in 1996, law number 19-A/96 of 29 June regulated by law decree 196/97, of 31 July ruled on the minimum granted income.

202. From a legal perspective, there are no institutional or administrative obstacles that prevent women from taking out loans, mortgages and other forms of financial credit, however, there is no statistic data to demonstrate the present differences between male and female activity in this sphere.

203. The *Plano Global para a Igualdade de Oportunidades* (Global Plan for Equal Opportunities) in point 8, considered equality between men and women in sports policies. In spite of the fact that there has been an increase in female participation in sports in the last few years, as well as better possibilities for women to take part in national and international sports events, overall this tendency is not reflected in increased female representation in decision-making positions.

204. Women are clearly under-represented, in particular at higher levels, in management positions, sports organizations, training and refereeing. In the face of this situation, it is important to elaborate a national plan for equality in sports policies that takes into consideration the results achieved at both national and international levels.

205. In trying to promote equal opportunity for women and men in sports, at all levels and in all functions and spheres of competencies, the most recent international text, considered worldwide to be a fundamental document, is the Brighton Declaration of 1994. At the governmental level, as a Member of the European Union, Portugal subscribed to the principles of the Brighton Declaration, as one of the texts adopted by

the *8ª Conferência dos Ministros do Desporto do Conselho da Europa* (Eighth Conference of Sports Ministers of the European Union) in Lisbon in 1995.

206. Portugal has also actively cooperated with the European Union on this issue, having organized a seminar on the contribution of sports to a democratic society (Lisbon 1996), at which the subject of the participation of women in sports was covered.

207. At the non-governmental level, the first initiative organized in Portugal on the issue was the congress on "Women and Sport", organized in November 1996, in Lisbon, by the Women's Democratic Movement (NGO) and the sports department of the *Câmara Municipal de Lisboa* (Lisbon's City Hall), with the participation of the European Women's Support Group).

208. This congress approved the Brighton Declaration and produced a proclamation directed to the Government, the sports organizations (Sports federations, Olympic Committee and Confederation), the women's non-governmental organizations and the universities calling for the creation of an autonomous and structured organization. After the congress, the *Associação Portuguesa a Mulher e o Desporto* (Portuguese Association Woman and Sport) was established on 6 February 1998. The Association has the objective of promoting equality and the participation of women in sports at every level, function and area of competence.

Article 14

209. Although the agricultural sector of the Portuguese economy has been declining relative to the overall economy, women working in that sector still constitute and important part of the total feminine work force (15.8 percent in 1997) and a highly significant portion of the agricultural work force (53.4 per cent in 1997). As for their status, 81.2 per cent are self-employed workers with no employees, 8 per cent work for a family member, 9.5 per cent are employees and 1.1 per cent are self-employed with personnel in their service.

210. The legislative measures assumed during the period under review were the following:

(a) Law decree number 339/90 of 30 October, created the *Empresa Familiar Agrícola Reconhecida* (Recognized Family Agriculture Enterprise), legalized the concept of "family labour" in agriculture, and recognized the rights of those relatives who, in spite of not only contributing their manual labour or cooperating in administrative chores, also work in the management of production, and who, up to that date, were unprotected;

(b) Legal dispatch 53/97, established the application of a measure on training and education, which granted priority to candidatures that advance the objectives of the equal opportunity policy, namely the promotion of the access of women to new areas of professional activity;

(c) Dispatch number 10 271/97, which approved the rules of application of the measure, obliged the training entities to apply the law on non-discrimination between women and men in labour and in the work place, also stipulated that financial support would be provided based on the fulfilment of the principle of equal rights;

These two measures contribute to the development of technical and social competencies, promoting greater participation of women in the rural and agricultural processes and to the elimination of discrimination against women.

211. Administrative rule number 195/98 regulates the aids to substitution services it concedes these aids to assuring the creation of conditions that allow temporary substitution of the elements of agricultural activities, the entrepreneur, the spouse and permanent workers, namely in cases of disease, accident, maternity, professional training and vacation.

212. The *Associação das Mulheres Agricultoras Portuguesas* (Portuguese Women's Agriculturist Association), a non-governmental organization, continues to promote women in the agricultural sector through the following activities:

(a) "*Rosa e Acácio*" a project to prevent professional risk in agriculture — for the protection of children working in the agricultural sector;

(b) "*A participação das mulheres nos processos de decisão do mundo rural e agrícola*" (Participation of women in the decision-making processes in the rural and agricultural world) — a study on agricultural tourism, was executed in two phases:

(i) "*Qualificações profissionais em agro-turismo*"(Professional qualifications in agricultural tourism);

(ii) The execution of a training module for the training of trainers.

(c) "*A situacção actual e as prespectivas futuras das qualificçõaes de profissionais das agricultoras do sul da Europa*" — (Current situation and the future perspectives of the qualification of professional agriculturist women of southern Europe;

(d) "*Mulheres Agricultoras*" (Women Agriculturists);

(e) "*Ligando Mulheres na periferia*" (*Linking women in outlying areas*);

(f) Self-employment for Women in Rural Areas;

(g) "*Guia de boas prácticas em matéria de acesso de Mulheres á educação e á formação profissional no meio agrícola*". (Guide of good practice in matters of women access to education and to professional training in the rural areas);

(h) "*A mulher na recupração e diversidade das economias rurais*" (Women in the recovery and diversification of the rural economies) — a study;

(i) "*Os idosos no meio rural e agrícola*" (The elderly in the rural agricultural world);

213. The *Associação das Mulheres Agricultoras Portuguesas* (Portuguese Women Agriculturist Association) also offers general consulting services to its associates. The Association promoted the following seminars:

(a) "*Familia, mulheres e voluntariado: contributo para o desenvolvimento do mundo rural*" (Family women and voluntary work: a contribution to developing the rural world;

(b) "*Educação não formal e formação continua da mulher agrícola*" (Non-formal education and the continuous training of the agriculturist woman);

(c) "*A mulher e voluntariado a participaçã civica e responsável no desenvolvimento local*" (Woman and voluntary work: civic and responsible participation in local development).

214. The *Associação das Mulheres Agricultoras Portuguesas* (Portuguese Women Agriculturist Association) also promotes regular encounters for the exchange of experiences between women, publishes an informative monthly newsletter and information brochures and broadcasts on radio and television.

Article 15

215. The Portuguese Constitution and Portuguese law consecrate equality, before the law between women and men, with no exception, apart from military service in practice, however, deviation to this norm still exist, namely in areas such as labour and work, in family life and in participation in political and public life.

Article 16

216. Portuguese Constitution and the Portuguese law consecrate equality, before the law, between women and men, with no exception, in the areas of marriage and family relations. In practice, however, the existence of preconceptions and social stereotypes, as well as the persistence of family violence against women and the lack of adequate mechanisms for their protection, considerably diminishes the status of women inside the family and within marriage.